

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

YOLANDA DABBS,

v.

**BRANDON J. JANNEY AND
WERNER ENTERPRISES, INC.**

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Civil Action No. _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, WERNER ENTERPRISES, INC. and BRANDON J. JANNEY, Defendants in the above-referenced matter, and file this Notice of Removal under 28 U.S.C. §1332(a).

**I.
INTRODUCTION**

1. Plaintiff YOLANDA DABBS is a citizen of the State of Texas, and upon information and belief, is a resident of Dallas County, Texas.
2. Defendant WERNER ENTERPRISES, INC. is a Nebraska corporation licensed to do business in the State of Texas, and with its principal place of business in Nebraska.
3. Defendant BRANDON J. JANNEY is a citizen of the State of Tennessee, and upon information and belief, is a resident of Bradley County, Tennessee.
4. Defendant WERNER ENTERPRISES, INC. was served with suit on or about February 17, 2015. Defendant, therefore, has filed this Notice of Removal within the thirty (30) day time period required by federal law.

5. Defendant BRANDON J. JANNEY was served with suit on or about February 22, 2015. Defendant, therefore, has filed this Notice of Removal within the thirty (30) day time period required by federal law.

6. Plaintiff has sued Defendants in the 162nd Judicial District Court of Dallas County, Texas, Cause No. DC-15-00796 asserting that the alleged negligence on the part of Defendant Brandon J. Janney can be imputed to the Defendants on the doctrine of *respondeat superior*

II. BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has jurisdiction over the parties based upon diversity pursuant to 28 U.S.C. § 1332. This action is one which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant JANNEY is a citizen of the State of Tennessee, and WERNER ENTERPRISES, INC. is a Nebraska corporation.

8. For diversity purposes, a person is considered a citizen of the state where that person is domiciled. Additionally, for diversity purposes, a corporation is a citizen of both the state in which it was incorporated and the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1). For WERNER ENTERPRISES, INC., this test implicates the State of Nebraska. Because the Plaintiff does not share citizenship with the Defendants in any state, removal is proper on diversity grounds.

9. The Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the notice of removal was filed within thirty (30) days after the receipt of a copy of the initial

pleading setting forth the claim for relief this removal is proper and timely under 28 U.S.C. §1446(b).

10. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$75,000.00 but not more than \$1,000,000.00. *See* Plaintiff's Original Petition, page 2 at paragraph 7a.

11. All pleadings, process, orders, and all other filings in the State Court action are attached to the Notice of Removal as required by 28 U.S.C. § 1446(a) and are resubmitted herewith.

12. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the State Court Action was filed and is pending. This statement is not meant as a waiver of any argument that venue is improper in the location in which the State Court Action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

13. Defendants filed a copy of the Notice of Removal with the Clerk of the State Court in which the action had been pending.

14. Defendants hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, Defendants, as parties in diversity with the Plaintiff, respectfully request that this action be immediately and entirely removed upon filing this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which they may show themselves to be justly entitled.

Respectfully Submitted,



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2015, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Ryan E. Rogers
Godsey Martin, P.C.
1909 Woodall Rodgers Freeway
Suite 200
Dallas, TX 75201



DANIEL M. KARP